

November 8, 2019

Via ECF

Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Pursuant to the Third Amended Civil Case Management Plan and Scheduling Order entered in this action (“Scheduling Order”) (ECF No. 1351), Plaintiffs and Credit Suisse Securities (USA) LLC, Credit Suisse Group AG, and Credit Suisse AG (“Credit Suisse”) submit this joint status letter.

I. Pending Motions

There are no motions currently pending.

II. Discovery

A. Depositions

On November 1, 2019, the Department of Justice (“DOJ”) filed a letter with the Court (ECF No. 1364) apprising the Court of the status of the criminal trial, *U.S. v. Ajyer* (18-cr-333), and requesting that the deposition discovery stay remain in place at least through the conclusion of the trial. The DOJ plans to submit a letter apprising the Court of the status of the trial no later than December 6, 2019. Depositions of fact witnesses not affected by the DOJ stay are ongoing, with depositions planned or taking place in the United States and abroad. Plaintiffs are continuing to negotiate with the DOJ to limit the number of individuals affected by the stay. To date, Credit Suisse has taken 27 depositions of the Plaintiffs and/or their investment advisors. Plaintiffs have taken 35 fact depositions. Of the 35 fact depositions taken by Plaintiffs, 12 witnesses invoked the Fifth Amendment protection against self-incrimination.

B. Credit Suisse

Audio: Credit Suisse began its rolling production of audio files on July 31, 2019. Following this initial production, on August 20, 2019, Plaintiffs raised an issue with Credit Suisse regarding the metadata that accompanied the production, as it materially differed from metadata that accompanied previously produced audio samples. On October 4, 2019, Credit Suisse confirmed that certain metadata fields are not available after restoration. Plaintiffs are processing Credit Suisse’s most recent production and evaluating their options with respect to obtaining additional metadata.

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III. Appeal of Order on Attorneys' Fees

On November 1, 2019, the Second Circuit issued a Summary Order and Judgment affirming the Court's Order and Opinion.

IV. Next Joint Status Letter

The parties will submit their next joint status letter on Friday, January 10, 2020.

Respectfully submitted,

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